

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

United States of America)	
)	
Plaintiff,)	
)	
v.)	No. 07-3048-CV-S-FJG
)	
Seventy-Nine Miscellaneous Firearms)	
)	
Defendant.)	

**ORDER GRANTING MOTION FOR ENTRY OF DEFAULT JUDGMENT
AND ENTRY OF FINAL ORDER OF
FORFEITURE IN FAVOR OF THE UNITED STATES**

A civil case against the defendant firearms was filed in federal court on February 13, 2007, because Defendant Larry A. Blunk, Sr., died before forfeiture of his firearms had been completed. An Arrest Warrant was issued by the Court on February 13, 2007. Since that time, notice was sent to potential claimants Larry A. Blunk II and Carolyn Blunk. Larry A. Blunk II received notice on February 16, 2007 and Carolyn Blunk received notice on March 5, 2007.

The Department of Justice published public notice of the case against the firearms. The publication was accomplished in the *Lawrence County Record* published in Lawrence County, Missouri. Notice of publication was filed with the Court on April 4, 2007.

Because potential claimants Larry A. Blunk II and Carolyn Blunk were served with notice, but they have not filed a claim in the judicial case, entry of default judgment against them is now appropriate. Due process requires the United States to provide notice "reasonably calculated, under all the circumstances" to inform interested parties of the litigation, and to give them an opportunity to be heard. *United States v. Five Thousand*

Dollars in U.S. Currency, 184 F.3d 958, 960 (8th Cir. 1999), *quoting Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 313-14 (1950). The United States has given notice of the forfeiture proceedings. Due process has been satisfied, so entry of default judgment pursuant to Rule 55(b)(2), Fed.R.Civ.P., against Larry A. Blunk II and Carolyn Blunk is appropriate. *United States v. One Hundred Four Thousand Six Hundred Seventy-Four Dollars*, 17 F.3d 267, 269 (8th Cir. 1994).

Furthermore, plaintiff filed a Motion for Entry of Default Judgment Against Larry A. Blunk and Carolyn Blunk and Entry of Final Order of Forfeiture in Favor of the United States (Doc. No. 5). Response to plaintiff's Motion for Entry of Default Judgment (Doc No. 5) was due on May 24, 2007 but no response was given. The Court entered an Order to Show Cause (Doc. No. 6) on June 1, 2007 for any potential claimants to respond to plaintiff's motion by June 15, 2007, but again no response was given.

In addition to extinguishing the potential claims of Larry A. Blunk II and Carolyn Blunk, the United States has given notice to potentially interested third-parties. Notice of this action was published in the *Lawrence County Record*, as required by Supplemental Rule G(4) of the Supplemental Rules of Civil Procedure for Admiralty or Maritime and Asset Forfeiture Claims. No third party claims were filed. Therefore, any third-party interests are barred by failure of those parties to file a timely petition.

Entry of a Final Order of Forfeiture is appropriate at this time. It is therefore

ORDERED THAT default judgment be entered against Larry A. Blunk II and Carolyn Blunk.

IT IS FURTHER ORDERED THAT all right, title and interest to the property

described above is hereby condemned, forfeited and vested in the United States of America, and shall be disposed of according to law.

IT IS FURTHER ORDERED THAT the United States District Court shall retain jurisdiction in the case for the purpose of enforcing this Order.

IT IS FURTHER ORDERED THAT the Clerk of the Court shall forward three certified copies of this Order to the United States Attorney's Office, Attention: Cynthia J. Hyde, Assistant U.S. Attorney 901 St. Louis, Suite 500, Springfield, MO 65806-2511.

IT IS SO ORDERED.

Date: 6/20/07
Kansas City, Missouri

S/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
Chief United States District Judge